

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1 and 25 have been amended. Claims 30 and 31 have been added. Support for the claim amendments and new claims may be found throughout the specification as well as the claims as originally filed. No new matter has been added.

Upon entry of the amendment, claims 1-7, 25-26, and 30-31 will be pending in the present application with claims 1 and 25 being independent.

The Office Action rejects the claims under 35 U.S.C. §102(e) or §103(a) as being anticipated by Schulman (U.S. Pat. No. 7,149,719) alone or in combination with Adams et al. (U.S. Pat. No. 6,154,730) or Freund (U.S. Pub. No. 2004/0024671). Applicant respectfully traverses the rejections based on the above amendments and the following remarks.

Schulman discloses a financial product which provides a return that is a function of the issuer's future sales revenue. (see Schulman Abstract and col. 2, lines 12-14). The financial product uses standard forms with standard terms. (see Schulman Abstract; col. 2, lines 19-21; col. 3, lines 21-24). These terms are non-negotiable. (see Schulman col. 4, lines 13-14). Consequently, the underwriting costs associated with creating the financial instrument are lower because the "underwriter deals in simple standard contracts." (Schulman col. 7, lines 2-4). In addition, once these financial instruments are created, they can be easily traded on a secondary market because the terms are standardized. (see Schulman col. 3, lines 42-47). Therefore, Schulman does not disclose, teach, or suggest negotiating the terms for obtaining a revenue share interest.

In contrast to Schulman, the independent claims of the present application have been amended to include the limitation of “negotiating terms for obtaining a revenue share interest.” As discussed above, Schulman discloses using standardized forms embodying non-negotiable terms in order to decrease the underwriting costs and increase the liquidity of its financial instruments. Therefore, Schulman not only fails to disclose, teach, or suggest “negotiating terms for obtaining a revenue share interest,” but in fact teaches away from this limitation.

Applicant respectfully submits that the new limitation is not found in the cited references and that the independent claims, as amended, are not anticipated or rendered obvious by Schulman taken alone or in combination with Adams or Freund. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As discussed above, Schulman fails to disclose, teach, or suggest, among other elements, “negotiating terms for obtaining a revenue share interest.” Furthermore, Adams and Freund also fail to disclose, teach, or suggest, among other elements, “negotiating terms for obtaining a revenue share interest.” Accordingly, independent claims 1 and 25, as amended, are not anticipated and are non-obvious. For at least this reason, independent claims 1 and 25 are allowable over Schulman taken alone or in combination with Adams or Freund.

Applicant further submits that if all of the elements of an independent claim are not present in the cited references, then all of the elements of any claim depending therefrom are not present. Claims 2-7 and 30 depend from claim 1. Claims 26 and 31 depend from claim 25. As discussed above, claims 1 and 25 are allowable over Schulman. For at least this reason, claims

2-7, 26, and 30-31 are also allowable over Schulman taken alone or in combination with Adams or Freund.

Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims for at least the foregoing reasons.

SUMMARY

Applicant submits that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns.

Respectfully submitted,

**By Adam Kaplan, reg# 59,435
on behalf of Stephen Glazier**



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Date: 5/17/07

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HENSON

Group Art Unit: 3691

Application No.: 10/805,063

Examiner: D. Kesack

Filed: March 19, 2004

Atty. Dkt. No.: 0516625.0101

Title: **REVENUE SHARE INTEREST METHOD OF FINANCING AN ASSET
MANAGEMENT FIRM**

**Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

EXPRESS MAIL CERTIFICATE

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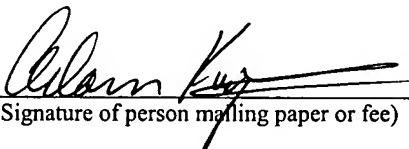
Date of Deposit 5/17/07

I hereby certify that the following attached paper or fee

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Amendment and Response**

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Adam Kaplan
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